

The danger of innocence : common sense beliefs and misconceptions about false confessions

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Summary

The Danger of Innocence

Common Sense Beliefs and Misconceptions about False Confessions

The main aim of this dissertation is to examine common sense beliefs and misconceptions about false confessions. In the last decade, overturned wrongful conviction cases around the world have shown that false confessions are not a rare phenomenon (e.g., Huff & Killias, 2008). Various research and case studies have investigated risk factors and provided recommendations on how to avoid false confessions (e.g., Drizin & Leo, 2004; Kassin & Gudjonsson, 2004; Kassin & Kiechel, 1996; Kassin et al., 2010; Russanov, Meissner, Narchet & Kassin, 2005). Admitting to a crime one has not committed is seen as counter-intuitive by many people (Leo & Liu, 2009) and most people believe that it could not happen to them (Henkel, Coffman, & Dailey, 2008). Overall, studies have shown that the average person is not well informed about the possibility (and risk) of a false confession. The present dissertation attempts to further investigate what the average person knows about false confessions and whether misbeliefs and misconceptions pose a risk factor for innocent suspects. The research goals are threefold: to address common sense beliefs and police practices about confession-related legal issues; to examine how misbeliefs about false confessions pose a risk for innocent suspects; and to investigate the relationship between people's beliefs and their behavior during police custody. Additionally, a new direction for future research is presented by linking the phenomenon of choice blindness to false confessions.

Chapter 1 presents the case of Ulvi Kulac, who got convicted based on a false confession for the murder of a little girl and acquitted for this crime 13 years later. It illustrates the danger of coercive police interrogation techniques, especially for vulnerable suspects. In Chapter 2, two more case vignettes of false confessions are described. These cases are followed by a review of the current state of literature in the field of false confession research offering an overview of research findings, risk factors, and recommendations on how false confessions can be avoided. It also addresses the difficulty of applying research findings to practice.

The literature review on false confession research showed that not much research has been done on examining laypeople's beliefs about confession issues and whether those beliefs are universal or specific to culture. Therefore, the survey in Chapter 3 used an online questionnaire to collect data across seven different countries about laypeople's beliefs about deception detection capabilities, the use of the right to remain silent, and the likelihood of true and false confessions. The findings of this survey show that participants overall overestimated their own deception detection skills and rated those of trained police investigators even higher, displaying a common misconception that training improves deception detection. Furthermore, participants underrated their waiver rates to remain silent and overrated their own confession rates. Overall, these results revealed that participants universally exhibited a relative lack of knowledge about confessions and the factors that put innocent people at risk.

In an effort to shed light on how investigators in Europe approach the processes of interviewing and interrogation, Chapter 4 presents the results of a survey covering various police practices and beliefs of police. By replicating the self-report survey of North American police practices (Kassin et al., 2007), an adapted version of their questionnaire was used. This survey covered European investigators' beliefs and practices about deception detection accuracy, *Miranda* waiver rates, the interrogation process, rates of true and false confessions, and their practices of recording interrogations and confessions. Results displayed several similarities with the original study and consistencies with research findings, while some

results deviated from the findings of the original study that was conducted by Kassin and colleagues (2007) in North America.

As stated above, the study described in Chapter 3 has shown that laypeople's beliefs about various confessions issues are incorrect, including the right to remain silent. In the multinational survey, participants indicated lower waiver rates than actual waiver rates of innocent suspects' right to remain silent and reported waiver rates of innocent suspects by police. To examine whether laypeople can use their common sense to predict the extent to which people would waive their rights to silence and that innocent suspects are particular likely to do so, Chapter 5 described two experiments that were conducted. In the first experiment, a mock theft paradigm was used, which had been developed by Kassin and Norwick (2004), to test how many innocent participants would give up their right to remain silent compared to guilty participants after being accused of a theft by a disguised police detective. The second experiment employed a thought experiment in which participants had to predict their waiver rates and those of innocent and guilty participants in the mock theft paradigm described in the first experiment. Results displayed a discrepancy between actual waiver rates obtained in experiment 1 compared to the predicted waiver rates in experiment 2. These findings indicate that people are not aware of the innocence effect of waiver rates as a matter of common sense.

To further investigate the discrepancies found in Chapter 5, the study presented in Chapter 6 examined whether participants are able to correctly predict their behavior and that of others in a typical false confession paradigm. A self-report study based on the results of the classic ALT key paradigm by Kassin and Kiechel (1996) was used. Participants were asked to read a description of this paradigm and had to predict confession rates for themselves and others. In line with our hypothesis, participants overall were poor at predicting confession rates. Furthermore, our findings confirmed that the average person clearly neglects the powerful effect false evidence can have and hence the power of such an influence is not a matter of common sense. The results of Chapter 5 and Chapter 6 demonstrate that false confession issues are not a matter of common sense knowledge and that judges and juries can benefit greatly from expert testimony on false confessions in court.

Chapter 7 explored a future avenue for research by linking the phenomenon of choice blindness to the risk of the occurrence of false confessions. Across two experiments we examined choice blindness in participants' accounts of their own history of norm-violating behaviors. Participants were asked to indicate how often they had committed specific norm-violating behaviors in the past. Consistent with our hypothesis, a substantial amount of participants was blind for manipulated answers of their own reports. The current results display implications for false confessions elicited in interrogation and further strengthen several recommendations that have already been given to avoid false confessions.

Finally, the last chapter includes a general discussion integrating all findings of this dissertation. It starts with analyzing the case of Ulvi Kulac based on all the information provided in previous chapters. Furthermore, we conclude that false confessions are a threat to innocent suspects and that certain changes in the process of police custody can make interrogations a safer place for innocent suspects. This dissertation shows that common sense knowledge about confession related issues is not so common and therefore we argue that expert witnesses should be allowed to testify in court to aid judges and juries. Chapter 8 also discusses methodological shortcomings and future directions.